

MAYOR KILLS COURT GRIFT.

MAGISTRATES FORCED TO DROP COURT ATTENDANT PLAN.

Meeting Called Yesterday to Create 100 Jobs for Tammany to Hand Out—McCellan Threatens Removal and Criminal Proceedings if Action Is Taken Without Board of Estimate's Consent.

Mayor McCellan put a stop yesterday to the scheme to appoint 100 court attendants for the police courts—political jobs—by quietly serving notice on certain members of the Board of City Magistrates that if these attendants were appointed without the approval of the Board of Estimate he would personally prefer charges against the Magistrates before the Appellate Division asking for their removal.

The Mayor earlier in the day at the meeting of the Board of Estimate called Magistrate Wahl to account as president of the Board of Magistrates and told him that if the Magistrates should make such appointments it would be a misdemeanor. The Mayor plainly intimated that the board might take the consequences. Magistrate Wahl disclaimed any intention of making the appointments outright and said the resolution before the board was to appoint a committee to confer with the Board of Estimate about the matter. The Mayor turned to Magistrate Barlow, who was present, and asked:

"Is that your understanding, Magistrate Barlow?"

"It is now," said Magistrate Barlow, with emphasis on the now.

The members of the Board of Magistrates who are outspoken in favor of introducing politics into the organization of the courts took their defeat hard. At their meeting later in the day to consider the matter they felt themselves down easily by putting off further consideration of the move until the regular meeting on the last Monday in November. The scheme is practically dead, for it will have to be approved by the Board of Estimate. It is known that the Mayor is opposed to it, and it will be impossible to get the money for the salaries of such attendants, no matter if the Magistrates decide that they favor the plan.

The meeting of the Magistrates was stormy. It was called for no other purpose than to jam the scheme through. There was no other business that they could consider. Before the majority carried through the plan to adjourn the scheme received a severe scoring from Magistrates Barlow, Crane, Mayo and Whitman. Magistrate Whitman went so far as to demand that the majority "take their medicine" right there and then.

It was the original plan to have as nearly a snap meeting as is possible under the law. Barely twenty-four hours notice was given. It was hoped that some Magistrates could not attend. Magistrate Cornell sent a letter complaining of the short notice because it kept him away.

There was also another plan to hold an executive session and keep reporters out. This was defeated, because attention was called to the fact that the law requires that the meetings shall be public. It was asserted openly that if the scheme of patronage could be placed immediately within reach of Charles F. Murphy the latter might be willing to place two of the Magistrates on his judiciary ticket to be named next week.

The first step in defeating the measure occurred when Magistrate Wahl was before the Board of Estimate in reference to the annual budget for the police courts. The Magistrate was about to leave when the Mayor suddenly appeared and reported that the Magistrates were to hold a special meeting later in the day to appoint court attendants.

"I want to call your attention to the fact that if this is done," said the Mayor, "it will be a misdemeanor. You cannot appoint men to office unless provision has been made by this board for their salaries." Magistrate Wahl at once disclaimed any such purpose. He said he knew that such an action would be a misdemeanor. The board, he declared, wanted simply to appoint a committee to confer with the Board of Estimate on the matter. Then Mayor McCellan spoke to Magistrate Barlow.

The Mayor, however, did not let the matter rest. As soon as the Board of Estimate meeting was over he got into touch with one of the Magistrates and notified him, with the request to pass the resolution, that if any action was taken appointing the court attendants he would depart from his usual custom of reserve and would at once personally prefer charges against the Magistrates voting for the deal before the Appellate Division looking to their removal. He also intimated that criminal proceedings would be begun.

The word was passed along and the possible prospect of going to jail did not seem to cheer the supporters of the scheme. There was a long private conference in the Board of Magistrates' meeting room at the West Side court before the formal meeting began and the plan was arranged to sidetrack the matter. Even this plan came near miscarriage. It required eight votes to pass the plan. There were only eight Magistrates of the fourteen present when the proceedings started, Wahl, Barlow, Crane, Finn, May, Moss, Steiner and Whitman. Wahl, Finn and Steiner came in later. Baker, Cornell and Green did not attend.

President Wahl had the call read for the meeting. Then the resolution to appoint the attendants was read. It was:

Resolved, That the president of the board be and hereby is directed to appoint a committee of three members besides himself, who shall report at the next meeting of the board the names of 100 court attendants from the court attendants certified by the municipal Civil Service Commission to be appointed court attendants in and for a salary of \$1,400 a year and ninety-two at a salary of \$1,000 each, and that the said committee shall forthwith take such steps as may be necessary to secure the necessary appropriation for the payment of the salaries of such attendants.

The resolution did not declare that it was the desire of the Magistrates that such court attendants should be appointed and that a committee should be appointed to ask the Board of Estimate to concur and grant the money for salaries. It provided out and out that the men should be named at once, and then that the Board of Estimate

OFFICERS MUST RESIGN.

Gen. Smith Starts to Straighten Out Eighth Regiment's Tangle.

Gen. George Moore Smith, commanding the First Brigade of the National Guard of Manhattan, has demanded the resignation of all the field officers of the Eighth Regiment. With his demand he has informed the officers that unless the resignations are all forthcoming within the next few days he will recommend the reduction of the regiment to a battalion.

A majority of the line officers, it is alleged, support the General. The General and Major Robert Edwards, Jr., and have desired the resignation of Col. James M. Jarvis. The other officers of the line are supporters of the Colonel.

When Gen. Smith made his demands for the resignations of the three field officers they were all together at the General's office. Lieut.-Col. Kerby and Major Edwards both told the General that they would resign. Col. Jarvis, however, did not agree to resign. He asked Gen. Smith for a delay of a few days to consider the matter.

Gen. Smith granted the delay, but gave the three officers to understand that the three resignations would not have any string to them, but would all three be sent forward by him to higher headquarters.

An officer friendly to Kerby and Edwards, who would not allow his name to be used, said: "We all regret that Lieut.-Col. Kerby and Major Edwards should have been asked to resign, as they are both progressive officers and represent the younger element in the regiment. That they have at once met the demands of Gen. Smith by agreeing to resign shows that they are willing to sacrifice themselves."

Another officer who was friendly to Col. Jarvis said: "I do not think the Colonel court-martial. In the absence of any official court-martial. It is true the regiment has not progressed as much as it should, perhaps, but this is due to the kickers, who have been opposing the Colonel instead of working for the interests of the regiment."

ASSEMBLYMAN LOSES HIS PASS.

He Holds His Seat, However, in Spite of the Conductor and Two Brakemen.

TRENTON, N. J., Oct. 5.—Dr. Frank Crowther of Perth Amboy, Assemblyman from Middlesex county, did not attend today's session of the riparian investigation, and, moreover, he refused to resign as a conductor and two brakemen of the Philadelphia and Reading Railway arrested on a charge of assault.

Under the general railroad act all railroads in the State must carry members of the Legislature free of charge when on official business. Dr. Crowther got as far as Bound Brook this morning, but when he boarded the train at that point he was unable to find the train required to carry him from there to Trenton. He exhibited a dozen other railroad passes to the conductor and the notice calling him to today's meeting, but in vain. Cash fare was demanded and refused. Dr. Crowther in the meantime found his Philadelphia and Reading pass good from Philadelphia to Atlantic City, but with an endorsement on the back presuming making it valid on all divisions of the railroad in the State. This the conductor refused to recognize, and Dr. Crowther became angry.

The conductor secured the assistance of two brakemen and attempted forcibly to eject the Assemblyman. Dr. Crowther tips the scales far above the 300 pound mark and the three men could not budge him from his seat.

In the protracted scrimmage Dr. Crowther was carried past Trenton Junction, and finally he left the train at Wayne Junction, near Philadelphia. He arrived at the State House late in the afternoon very angry and swearing vengeance against the men who had tried to put him off. He said to-night that after leaving Trenton Junction the conductor had tried to make peace with him, but he had refused all overtures and was determined to have him and the two brakemen arrested for assault.

ASK BRYAN TO LAUD ROOSEVELT.

Indiana Democrats Map Out What Nebraskan Is to Say in Hooisland.

INDIANAPOLIS, Oct. 5.—The Democratic managers began to-day to arrange a schedule for the special train that is to carry William J. Bryan over this city October 23, and the baseball park has been chosen as the place most likely to accommodate the expected crowd.

The managers are also in receipt of a good deal of advice regarding the lines of talk that Bryan ought to follow in his speeches, and it is no secret that he will be advised to praise President Roosevelt for his efforts to break up the trusts and the railroads, and to condemn Congress for being more ready to obey the President's behests.

The party managers do not believe that anything can be accomplished by attacking the President, and Bryan will be advised to hold him up in contrast with his party leaders, praising one and condemning the other.

LEG BROKEN AT FOOTBALL.

Brown University Team Will Be Weakened by Serious Accident to Earl Smith.

PROVIDENCE, R. I., Oct. 5.—An accident which greatly weakened the Brown football team occurred this afternoon when Earl Robert Smith of Franklinville, N. Y., the centre, was seriously injured that he will be out of the game for the season and perhaps for good. Smith, who has been playing a great game and who was regarded as one of the most promising men on the team, was carried from the field after one of the scrimmages with his left leg broken in two places.

The varsity and scrub had been at it only a few minutes and the varsity had just lost the ball when it was given to Kohler, a freshman, for a line plunge. It developed into a mass play and when Smith tried to stop the onslaught his leg, which was protruding from the pile was struck by the shoulder of one of the scrubs. The blow was distinctly all over the field. A doctor was called and the injured man was hurried to the Rhode Island Hospital in an ambulance. The breaks are just above the ankle.

Smith is a junior and a member of Phi Gamma Delta fraternity. Coach Robinson said to-night that the accident would be a great loss to the team, since there is not a single man of the proper calibre available. Conklin, last year's centre, is behind in his studies.

The Dutch Room in the Marlborough Hotel, on Broadway, between 28th and 29th Sts., opens to-day for the red-hot Neapolitan Quagante performance during dinner and supper; table d'hôte dinner, \$4.50. William Taylor & Son, Inc.—Ad.

BACK DRAUGHT TRAPS FIREMEN

COMRADES PLUNGE INTO FLAME-ING CELLAR TO SAVE THEM.

Three Dozen Men on Upper Floors of Burning Stable Held Terrified Horses in Control While Fierce Battle With Flames Rages Below—Many Overcome.

What Acting Chief Binn described as one of the most daring rescues he had ever seen was made by two firemen, who saved three companions in a lively stable fire in West Third street last night. There were 275 horses and twenty-five men in the building when the fire started. One man was severely burned, but not a horse was lost in the fire, which was fierce enough to call for four alarms. The horses were saved through prompt and effective work by the firemen, who held all but five of the horses in the building and kept them under control, though fifty smoke eaters were carried out, temporarily overcome.

The Metropolitan Livery and Boarding Stable takes up four city lots in Third street, near Sixth avenue. This building is four stories high and runs back to Minetta lane. About 7:30 o'clock last night smoke spouted from the basement and in an instant the place was in an uproar. On the two upper floors were the 275 horses. The basement and ground floors were filled with all kinds of vehicles.

One of the stablemen yelled to Policeman Kohler of the Mercer street station, who turned in an alarm and rushed with two other policemen, Ryan and Packard, to the stable. The horses were in panic and the best the policemen and stablemen could do was get out five of them. In helping to do this James Shevlin, a stableman, was caught in the flames and dropped by a window on the third floor. John Cody, driver for Battalion Chief Reilly, stumbled over him pulled him out of the window and carried him down a ladder to the street. Shevlin was so badly burned that he was taken to the St. Vincent's Hospital.

"It was my duty to try to save the horses," said Shevlin as he was carried off to the hospital.

Archibald McCafferty, another stableman, drove two horses from the fourth to the third floor and then tried to get them down a narrow stairway. A wall of flame made the horses bolt back and McCafferty jumped to the second floor. He was out and bruised but refused to go to the hospital.

It was a lively blaze with plenty of smoke when Acting Chief Binn showed up. He rushed in alarms one after the other. In a few minutes the basement was red hot. There is an iron grating in front of the building and this was raised to let firemen into the cellar with hose. Lieut. Crawford and Firemen Heller and Morris of Engine 13 carried in a hose and had their nozzle almost up against the blaze when there came a black draught.

The three firemen were engulfed in the flames and disappeared. Chief Binn saw the whole thing. So did Firemen Hevel and Degan of Truck 20. They took a running leap and dropped into the furnace. The next thing those on the street saw were Crawford and his two companions being heaved up to the sidewalk. As they came out Chief Binn led some of his men and played the hose on Hevel and Degan until they were dragged out too. As Hevel and Degan were stretched out on the sidewalk Chief Binn said:

"I have been a fireman for a long time. I have never seen anything like this. I shall never forget it."

Then Binn had to look after what was going on on the two upper floors of the building. The stablemen had cut the halteres of the horses and the animals were rushing round, screaming. The smoke was thick and Binn saw that there was no way to get them out. He rushed about three dozen firemen to the two floors and told them to hold the horses.

When the heat became too great the firemen played the hose on the horses and by soft words kept them in check. What the horses could stand in the way of smoke the firemen could not. Firemen after fireman was hauled down to be laid out on the street and worked over by doctors before he could go back to his job again. At one time there were two dozen men on the sidewalk being resuscitated. But got one of them would give up; they all fought to go back into the building.

Joseph Montgomery, a coachman for F. J. Smithers, a broker, who had some horses in the building tried to get them out and was overcome. Two firemen Humphreys of Engine 24 got him out.

On the Minetta lane side of the building the firemen were pulling out wagons when Harry Lane and Harry Hawks of Engine 13 climbed to the third floor. Flames were belching from the first floor. A heavy truck rushed down the runway to the street, unsteering the ladder. The second floor was an iron railing which had been burning a sign. As the ladder went from under them Lane and Hawks dropped one story and caught the iron railing. The flames swept up from the first floor and the crowd in the street expected to see the firemen caught, but their companions raised a small ladder in a jiffy and the firemen slid to the ground only a little bit scorched.

Two horses got loose in Sixth avenue and bowled over several people in the crowd. The reserves from three precincts had a hard job, as the electric lights were used to light the street for the firemen. The building is owned by Bartholomew Gray. The damage was about \$30,000.

AUTO RUNS DOWN WOMAN

On Way to Cup Races—She Is Likely to Die.

Mrs. Mary Deegan, 30 years old, of 804 Columbus avenue, was crossing Broadway at Forty-fourth street early this morning when she was knocked down by an automobile bound for the cup races. The car stopped, and two women in it helped to lift the injured woman into the machine. The driver, Henry F. Sands, then hurried her to Bellevue Hospital.

When she was taken to a ward the surgeons said she couldn't live. Policeman H. Baker, on duty at the hospital, arrested the driver and took him to the East Thirty-third street station. The woman wouldn't tell their names. The car is owned by the Loxier company.

WH Ask Cleveland to Dedicate Bayard State.

WILMINGTON, Del., Oct. 5.—The Bayard Memorial Association; to-day decided to ask Grover Cleveland to make the address upon the occasion of the unveiling of the statue of Thomas F. Bayard next spring. The statue, the gift of one of Bayard's friends, reached Philadelphia recently and will remain there until the pedestal is built. It is the work of Mrs. Edith Sullivan Nichols of London. It is seven feet high.

MAY NOT SEND MORE TROOPS.

President Said to Have Asked Taft About Stopping the Expedition.

WASHINGTON, Oct. 5.—There is a rumor here, which no one in the State War or Navy departments will confirm, that the President has telegraphed to Secretary Taft asking him, in view of the peaceful conditions in Cuba, if it will be necessary to send the remainder of the first expeditionary brigade to Havana, and if the situation could not be handled with the sailors and marines already on the ground and the soldiers now on the way on the transport Sumner.

What such action by the President may have been taken, it has had no effect upon the work of the War Department, although the troops destined for service in Cuba are not moving as fast as they might if there were a real crisis on hand. The Quartermaster-General's office continues to be exceedingly busy converting merchantmen into transports and rushing them down to Newport News. Eight ships are due in Newport next month or in the morning, and it is expected that by to-morrow afternoon another section of the first expeditionary brigade will be on its way to Cuba.

The big ships of the navy now in Cuban waters will probably be withdrawn before long. There is really no need for them there if the Cubans are going to be peaceful, and the Navy Department would much rather have the vessels, especially the larger ones, up north with the main section of the Atlantic fleet. A mosquito fleet of destroyers and small gunboats, such as has been maintained around Santo Domingo for many months, will probably be kept in Cuban waters.

LINER FOR ASSAULT.

Woman Complains That Ship's Officer Seized and Kicked Her.

A libel against the steamship Friedrich der Grosse of the North German Lloyd line was filed in the United States District Court yesterday demanding \$10,000 damages for assault upon a woman passenger alleged to have been compelled by the first officer of the ship in the woman's stateroom at 3 o'clock in the morning.

The libel is filed by Sophie Moerchen, wife of Hellmuth Moerchen, a lawyer of 108 Broadway and living at 84 East Ninety-fourth street. In her affidavit she says that on July 28, 1905, she boarded the steamer with her two small children in order to pay a visit to her parents in Germany. She was assigned to a stateroom in either the first or second cabin.

At 3 o'clock on the morning of August 2, she alleges, the first officer of the Friedrich, one Hausman, came into her stateroom and assaulted and did seize and kiss her, and that she suffered much pain and injury in resisting his acts as forcibly as she could. A crowd of two hundred men in consequence of further acts on the part of the officer up to August 8, the date of the ship's landing at Bremen. Abbott & Coyne, her brokers, of 28 Broadway, refused to give any further information about the case.

GRAND DUKE WANTS A DIVORCE.

Contemplates Asking Court to Free Him of Matrimonial Bonds a Second Time.

SPECIAL CABLE DISPATCH TO THE SUN. BERLIN, Oct. 5.—It is reported that the Grand Duke of Hesse, who was divorced from Princess Victoria of Saxe-Coburg and Gotha in 1901, is contemplating a divorce from his second wife, Princess Eleonore, a Hohensolms-Lich, whom he married in October, 1903. The ground of the suit is incompatibility. The circumstances are particularly distressing in view of the expected accouchement of the Grand Duchess in November.

The Grand Duke left Darmstadt recently, accompanied by his civil adviser and an adjutant, ostensibly to visit Munich, but he actually went to St. Petersburg and Finland, where he consulted his sister, the Czarina, as to the advisability of divorcing his wife. The Czarina strongly disapproved the proposal. The Grand Duke returned yesterday, but left the train at Frankfurt, whence he proceeded in an automobile to his shooting lodge without visiting Darmstadt.

It is stated that the cause of the estrangement is the divergent tastes of the pair. The Grand Duke, who is 36 years old, is vivacious and humorous, while the Grand Duchess, who is 35, is staid and retiring.

BRACKETT CONVENTION SPLIT.

Schenectady Men, With Two Saratoga Substitutes, Nominate Wendell for Senator.

SARATOGA, Oct. 5.—Defying an injunction issued by Judge Van Kirk, the eight Schenectady delegates to the Thirty-first district Senatorial convention, with the aid of the two men from Saratoga county for whom other men had been substituted by the Saratoga delegation, met this afternoon and nominated Wendell for Senator.

The injunction was served by counsel for the Saratoga delegates immediately after the leader of the Schenectady delegation had produced a proxy signed by John H. Parker, who is a member of the Congressional committee, authorizing a Schenectady man to call the convention to order. A stormy scene followed, but after consultation with their counsel the Schenectady people decided to go ahead and nominate.

Papers declaring them in contempt of court will be served on the Schenectady men. It is said that the Secretary of State has agreed to accept their nominating certificate. If so the Brackett men will endeavor by legal proceedings to restrain him from putting Wendell's name on the ticket.

ACID IN THESE BOMBS.

Russian Terrorists Aim to Make Them More Deadly.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Oct. 6.—The St. Petersburg correspondent of the Telegraph says that the bombs seized by the police in their recent raid on the Engineers' Institute contained a barbarous device for destroying life by prussic acid.

A piece of cloth saturated with the acid was fixed inside the bomb. When such a bomb burst, even the smallest fragment that was in contact with the acid would cause speedy death if it scratched the flesh. Many injured by bombs in the past have been cured, but nobody hurt by these bombs could be cured.

Latest Marine Intelligence. Arrived: St. Lawrence, Quebec, Sept. 29. After all, Urban's the Bootch that made the highest famous—Ad.

MAY LADENBURG SEIZED.

PULLED OFF HER PONY NEAR HER HOME, OASIS.

Her Screams Heard in the Gardener's Lodge and She Is Rescued Unconscious—Man Whose Object May Have Been to Kidnap Her Escapes—Search Made for Him.

HEMPSTEAD, L. I., Oct. 5.—The Hempstead Plains were searched from one end to the other to-night by men in automobiles, on horseback and afoot for the driver of a rickety buggy who either attempted to kidnap, rob or assault Eugenio May, the twelve-year-old daughter of Mrs. Adolph Ladenburg, who lives near Westbury. She was rescued by residents on her mother's estate, who heard her screams and went to her aid just as she was being lifted, unconscious from fright, into the man's buggy.

The child, known as May, came back to Westbury from Newport with her mother a few days ago. To-day she participated in the Piping Rock horse show at Locust Valley and won the silver cup offered by Harry Payne Whitney to the riders of ponies who were 12 years old and younger.

When the day's programme ended she started home riding her pony, Mallow Green, with which she won the cup. She accompanied a number of friends who lived in the neighborhood of Thomas Hitchcock's country home. In Westbury village her friends left her and she started alone for her home, Oasis, on the Hempstead Plains. She had reached the gardener's lodge at 7 o'clock, and it was then almost dark, when a rickety buggy came rattling down the road. Its driver pulled directly across the road, forcing Miss Ladenburg and her pony into the ditch.

The man then jumped out of the buggy, pulled the girl off the saddle and commenced to drag her toward his buggy. She screamed and was heard in the lodge occupied by Andre Rensselaer, her mother's gardener. When Rensselaer rushed out the man dropped the girl, jumped into his buggy and whipped his horse off toward Westbury.

When Rensselaer picked up the child he found she had fainted. He carried her into the cottage occupied by Charles McDonald, where a dinner party was being held. When she had revived and described her experiences the party broke up and fifty men went in search of the child's assailant. She only knew that he was middle aged, had a mustache and drove a bay horse. She said that he didn't speak to her.

The searchers looked all over the Hempstead Plains and routed out nearly every man in Westbury without getting a clue to the man.

DOGS ATTACK BOOTHBLACK.

Frenchman in Charge of Great Dances Laughs While They Bite Boy.

TWO Great Dances, which Joseph Gyllen, a Frenchman who lives at 136 West Twenty-sixth street, had out walking yesterday, made a sudden attack on Jimmy Irvine, a sixteen-year-old boothblack who has a stand at Seventh avenue and Twenty-ninth street. The dogs were not considered dangerous and so were left unmuzzled.

Men who saw them attack the boothblack said that Gyllen, instead of calling off the dogs, laughed and urged them on. The dogs became enraged, knocked the boy down, tore his clothing and had begun to bite him severely when a number of men rushed up and beat them off with sticks and stones. A crowd of two hundred men gathered and, when the dogs were beaten off, they turned on Gyllen. Patrolman Bracken of the Tenderloin station ran up and rescued him.

Nearly a hundred men followed the prisoner to the station house to make complaints against him, while the boothblack returned to the New York Hospital to have his wounds dressed. He was found to be bitten and bruised about the back and shoulders, though not seriously injured.

Gyllen was arraigned later in the afternoon in Jefferson Market police court, where a dozen witnesses followed him ready to testify that he did not call off the dogs. Magistrate Wahl put him under \$300 bonds to keep the peace for three months.

HANLY HITS ANOTHER GRATER.

Indiana's Governor Has Member of Pharmacy Board Indicted.

EVANSVILLE, Oct. 5.—David Hecht, of Evansville, a member of the State Board of Pharmacy, was arrested to-night on a charge of soliciting a bribe. Prior to the last examination of druggists for State licenses there was reason to believe that a leak had occurred somewhere and it was determined to investigate by getting a druggist to correspond with certain members.

Druggist Porter of Winchester wrote to Hecht saying that he had failed to get a license and unless he succeeded in doing so at a subsequent examination he would be compelled to hire a prescription clerk. Hecht answered the letter inviting Porter to come to Evansville. Porter replied that he could not conveniently do so, and the correspondence was continued till Hecht offered to sell the list of questions for the next examination for \$125, saying if the money was sent to him the list would be sent by return mail.

The correspondence was laid before Gov. Hanly and he communicated with the prosecutor of Randolph county and Hecht was indicted.

It does not appear that there was any reason to suspect Hecht of having sold the questions, but he fell into the trap that was laid to catch any one on the board who was open to a bribe.

WHITE PLAINS LACKS WATER

And New York May Shut Its Eyes to the Law and Sell Some.

The village of White Plains has appealed to this city for help in delivering that community from a water famine. The village has only seven miles supply left in its reservoir. John J. Brown, president of the village, has been seeking to buy water from this city but Commissioner Ellison of the Department of Water Supply, Gas and Electricity was in doubt whether he had the legal right to sell the city's water to another community.

He communicated yesterday with the Corporation Counsel and was informed by Mr. Delany that he had not the right to sell water. Mr. Brown, president of the village, hinted that the law might be broken if there were humanitarian reasons why White Plains should be supplied with water and that Mr. Ellison might not expect any objections from any source. Mr. Ellison will take the hint and will let White Plains have all the water it needs.

Pure Food and Bureau's Statute are the same. Get Burnett's and take no risks. Ad.

ROCKEFELLER MAY NOT APPEAR.

Attorneys Believe He Will Forget His \$1,000 Bail in Ohio Case.

TOLEDO, Ohio, Oct. 5.—Word was sent out from Findlay to-day by John D. Rockefeller's lawyers that it is their opinion that Mr. Rockefeller will not appear in court Monday when the hearing on the information against the Standard Oil Company and Mr. Rockefeller is scheduled to come up.

Senator McCone, Judge Snyder and Col. J. A. Pope, counsel for the Buckeye Pipe Line Company, think Mr. Rockefeller will forfeit his bond of \$1,000.

In that case a summons probably will be issued for him as a witness. If this is done and service is secured Mr. Rockefeller will either appear or be in contempt of court, in which case he can be put in jail.

E. H. BULKLEY TO WED NURSE.

En in Love With Fair Attendant White in in Newport.

NEWPORT, Oct. 5.—The engagement of Miss Margaret Stewart of St. John, N. B., to Edward H. Bulkley of New York and Newport, brother of Mrs. Prescott Lawrence, Mrs. Reginald W. Rives and Mrs. Roland Redmond, all well known in social circles in Newport, was announced to-day.

Miss Stewart, who is a trained nurse, a graduate of the Newport Hospital school, met Mr. Bulkley for the first time last winter, when she was called to nurse him in a severe illness, and their friendship has grown steadily ever since.

DOES LIPTON GIVE UP HOPE?

Report From Chicago That He Will Not Try to Lift the Cup.

CHICAGO, Oct. 5.—At a banquet tendered him to-night by the Chicago Athletic Club Sir Thomas Lipton declared positively that he would not make any attempt to lift the America's Cup as long as Herrschhoff, the designer, and Barr, the skipper, are living. "It is useless for me to try to win the Cup," he said, "as long as a Herrschhoff and Barr are alive."

SHOT BY HIS NEIGHBOR.

Mr. Jones Missed His Own House and Was Crawling Into a Window of Mr. Terry's.

PLAINFIELD, N. J., Oct. 5.—John L. Jones, who has been a resident of Plainfield about three weeks, tried at an early hour this morning to enter what he believed was his home. He was climbing through a bedroom window of a house near by, occupied by William Smith Terry, at New and West Third streets, when the latter shot him. The bullet struck nearly over the heart, but followed the line of a rib and entered his side. It was extracted at the Scrubberg Hospital later and the man will recover. Jones was returning to his home about 3:30 o'clock and lost his way. Mr. Terry was placed under arrest, but was discharged later in the day.

BIG TIM WON'T RUN.